

# Newport City Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Student Alcohol and Drug Testing</b>	Descriptor Code: <b>6.3071</b>	Issued Date: <b>08/15/16</b>
		Rescinds: <b>6.3071</b>	Issued: <b>09/27/10</b>

1 The possession and/or use of illegal drugs, and the misuse of prescription drugs is prohibited. The  
2 distribution, abuse, or misuse of over the counter medications or other chemicals or substances is  
3 likewise prohibited. Students will be notified in writing at the beginning of each school year or at the  
4 time of enrollment that they shall be subject to testing for drugs and alcohol during the school year.<sup>1</sup>  
5 The board will pay costs of any testing required pursuant to this policy.<sup>2</sup>

## 6 Reasonable Suspicion Drug Testing

7 Principals are authorized to order drug tests for individual students when there is a reasonable cause to  
8 believe that:<sup>3</sup>

- 9 1. A school board policy on alcohol and drug use has been violated;
- 10 2. A search of lockers has produced evidence of the presence of drugs and/or alcohol;
- 11 3. A search of persons and containers has produced evidence of a presence of drug and/or alcohol;
- 12 4. A search of vehicles has produced evidence of the presence of drugs and/or alcohol; or
- 13 5. Through observation or other reasonable information reported by a teacher, staff member or  
14 other student that a student is using and/or under the influence of drugs and/or alcohol on  
15 school property.

16 Prior to performing a drug test on a student based on reasonable suspicion, the following conditions  
17 must be met:

- 18 1. A particular student has violated school policy;
- 19 2. The test will yield evidence of the violation of school policy or will establish that a student  
20 either was impaired due to drug use or did not use drugs;
- 21 3. The test is in pursuit of legitimate interests of the school in maintaining order, discipline,  
22 safety, supervision and education of students;
- 23 4. The test is not conducted for the sole purpose of discovering evidence to be used in a criminal  
24 prosecution; and
- 25 5. Tests shall be conducted in the presence of a witness.

1 Upon receiving reasonable information, the principal shall take the following steps:

- 2 1. Call the student into the principal's office or another private place;
- 3
- 4 2. Summon an appropriate qualified witness;
- 5
- 6 3. Discuss with the student the basis for the determination that a test is necessary;
- 7
- 8 4. Inform the student of the procedures which shall be followed in administering the test;
- 9
- 10 5. Notify the parent or guardian of the student of the impending test; and
- 11
- 12 6. Give the student an opportunity to decline the test and inform the student that if the test is not
- 13 taken the penalty shall be suspension from school and a hearing before the disciplinary hearing
- 14 authority.

#### 15 **Random Drug Testing of Students Participating in Extracurricular Activities<sup>4</sup>**

16 Students involved in any voluntary extracurricular activities shall be subject to random drug tests.  
17 Parents and students will be informed of this policy prior to participation and shall sign a consent to the  
18 drug testing and a release of information as a condition of participation.

19 Extracurricular activity is defined as voluntary participation in activities not falling within the scope of  
20 regular curriculum and carrying no academic credit. This includes participating in athletic programs,  
21 cheerleading, band, clubs, student leadership positions, etc.

22 Prior to performing a random drug test on a student participating in extracurricular activities, the  
23 following conditions must be met:

- 24 1. The test will yield evidence of the violation of school policy or will establish that a student  
25 either was impaired due to drug use or did not use drugs;
- 26
- 27 2. The test is in pursuit of legitimate interests of the school in maintaining order, discipline,  
28 safety, supervision and education of students;
- 29
- 30 3. The test is not conducted for the sole purpose of discovering evidence to be used in a criminal  
31 prosecution; and
- 32
- 33 4. Tests shall be conducted in the presence of a witness.

34 No student who tests positive under a random drug testing program shall be suspended or expelled  
35 from school solely as the result of the positive test.<sup>5</sup>

## 1 **Drug Testing Process**

2 The appropriately qualified and trained witness shall take the student to a designated place in the  
3 school and collect a specimen from the student. The specimen shall be taken in a manner which will  
4 ensure the integrity, validity, and accuracy of the test results but are minimally intrusive and provide  
5 maximum privacy to the tested student.

6 The type of specimen taken shall depend on the substance in question and the test performed on the  
7 specimen shall be appropriate for accurate detection of the substance in question. Once taken, the  
8 principal shall give the specimen an identifying number which in no way will reveal the identity of the  
9 student.

10 The principal will forward the specimen for analysis to a laboratory accredited by the Tennessee  
11 Department of Health and Environment and designated by the Board. Specimens shall be retained for  
12 ten (10) days.<sup>6</sup>

13 Upon receiving a written, certified copy of the analysis from the laboratory, the principal shall do one  
14 of the following:<sup>7</sup>

- 15 1. If the results of the analysis are negative, they shall be reported as negative and all evidence of  
16 the individual test, including all records in the school that the test was ordered and the reasons  
17 therefore, shall be destroyed and expunged.  
18
- 19 2. If the results of the analysis are positive, the student and parents or guardian shall be given the  
20 written notice of the result. All records of the test, request for a test or indication a student has  
21 been tested shall be confidential student records in accordance with state law.

22 The board will provide students testing positive an assessment to determine the severity of the  
23 student's alcohol and drug problem and a recommendation for referral to intervention or treatment  
24 resources as appropriate.<sup>8</sup>

## 25 **Penalties**

26 Each confirmed incident will result in a referral to the Youth Services Officer (YSO).

27 First offense students will be suspended from all extra-curricular activities for one calendar year.

28 Second offense students will be suspended from all extra-curricular activities for duration of time  
29 enrolled or reenrolled in Newport City school system.

30 Malicious use of authority granted by this policy by any school personnel may be grounds for  
31 dismissal.<sup>9</sup>

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Legal References

1. T.C.A. 49-6-4213(a)(1)
2. T.C.A. 49-6-4213(a)(2)(G)
3. T.C.A. 49-6-4213(a)(1)
4. T.C.A. 49-6-4213(a)(2)
5. T.C.A. 49-6-4213(k)(2)
6. T.C.A. 49-6-4213(d)
7. T.C.A. 49-6-4213(j)-(k)
8. T.C.A. 49-6-4213(l)
9. T.C.A. 49-6-4213(m)